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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,646	11/17/1998	JAY PAUL DRUMMOND	D1077+8	2283

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EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/193,646

Applicant(s)

DRUMMOND ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Status of Claims

1. Claims 1-33 have been examined.
2. Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeanah et al., U.S. Patent No. 5,933,816.

As per claims 1-22 and 33, Zeanah et al. teach a system for delivering financial services comprising:

- an automated transaction machine with input device and memory
(figure 1; column/line 5/60-6/10)
- software that controls peripheral devices (e.g. input and output devices) such as a card reader (figure 2; column/line 15/51-16/45)

- a computer, with browser software, that is operative to access an HTTP address and receive HTML instructions (abstract; figure 1; column/line 5/50-6/10; column/line 6/38-7/9; column/line 7/60-9/27; column/line 11/27-12/40; column 23, lines 10-37)
- software that operates peripheral devices responsive to instructions received at an HTTP address (abstract; figure 1; column/line 5/50-6/10; column/line 6/38-7/9; column/line 7/60-9/27; column/line 11/27-12/40; column 23, lines 10-37)
- storing transaction data representative of user interaction with peripheral devices (e.g. user input to input devices) (column/line 14/42-15/10)
- software that access transaction data (column/line 14/42-15/10)
- software that operates peripheral devices responsive to instructions received from a remote server (figures 1-4A; column/line 5/60-6/10; column/line 11/26-12/40; column/line 15/52-16/45; column 24, lines 5-50; column/line 28/40-29/20)
- controlling peripheral devices (e.g. form printer, cash dispenser, card reader) (column 9, lines 6-26; column 13, lines 27-63; column 28, lines 5-24)
- a computer that is able to access instructions using a browser (column 19, lines 18-35; column/line 21/45-22/61)

- a back office processing system that is in connection with the computer and stores transaction data (abstract; figure 1; column 9, lines 20-27; column/line 15/53-16/45; column 17, lines 42-60)
- instructions in the form of an applet (column 19, lines 26-35; column 28, lines 40-48)
- memory that stores transaction data (abstract; figure 1; column 9, lines 20-27; column/line 15/53-16/18)
- accepting identifying data from a user of an automated banking machine (figure 1; column/line 15/52-16/45; column/line 20/28-21/9)
- transferring data between a hand-held device with a processor and an automatic transaction machine (figures 1-4; column 8, lines 17-22)

Zeanah et al. do not explicitly recite printing indicia or multiple servers. However, to one of ordinary skill, it would have been obvious to implement the teachings of Zeanah et al. with the aforementioned features. For example, data may be exchanged over the internet (column 2, lines 30-43; column 6, lines 1-10). Therefore, the use of multiple servers would have been obvious in order to accommodate high user volume. Similarly, apply their system to ATMs and an ATM provides a record of user activity (i.e. receipt), therefore it would have been obvious to one of ordinary skill to provide a user with a paper with an indicia or

some other evidence of activity or system use in order to provide a physical verification of a financial activity.

5. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeanah et al., U.S. Patent No. 5,933,816 as applied to claims 1 and 11 above, and further in view of Wynn et al., U.S. Patent No. 5,859,419.

As per claims 22-32, Zeanah et al. implement their financial services delivery system using hand held devices such as smart cards and portable computers ('816, figure 1; column 12, lines 1-4; column 16, lines 5-8). Wynn teaches a financial data card for compiling and storing financial transaction records pertaining to a plurality of financial accounts ('419, abstract). The card contains a processor and is in wireless connections with an automated banking machine ('419, figures, 2-5; column/line 4/17-5/28; column/line 5/59-6/24; column/line 6/45-8/17; column/line 8/43-9/25). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Zeanah et al. and Wynn, in order to allow users to process and track financial data of varying account types using a portable device ('419, column 2, lines 1-45).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kawan teaches a wireless transaction system

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry),

(703) 746-7238 (for after-final communications),

or:

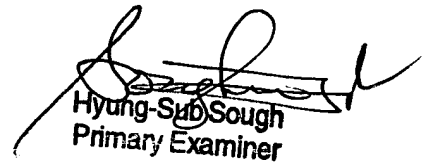
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
305-3900.

Calvin Loyd Hewitt II

May 10, 2002


Hyung-Suk Sough
Primary Examiner